

REMARKS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Double Patenting Rejection

The Examiner has provisionally rejected claims 1-28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 09/753,326.

Applicant submits a terminal disclaimer to overcome the double patenting rejection.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-3, 7, 9, and 10-12 under 35 U.S.C. § 103(a), as being unpatentable over Barber et al., U.S. Patent No. 6,240,521, hereinafter referred to as "Barber," in view of Miyazawa et al., U.S. Patent No. 5,983,186), hereinafter referred to as "Miyazawa."

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Independent claims 1, 10, and 20 of the present application include limitations not disclosed or taught by Barber, in view of Miyazawa. As a result, claims 1, 10, and 20 are patentable over Barber in view of Miyazawa.

In particular, applicant's claims, as amended, include the limitation, or a limitation similar there to, of:

transitioning a processor of a computer system into a low power mode, *the system having a memory, a disk drive unit, and a shared database, the database to store at least a partial copy of data stored in the disk drive unit; and*

after the processor has transitioned into the low power mode, accessing data contained within the shared database of the computing system, via a speech recognition unit of a low-power subsystem. (emphasis added). (Applicant's claim 1).

Barber, however, does not disclose nor suggest the limitation of a system that has a low power subsystem that access a shared database when the processor of the computer system is in a low power mode, claimed by applicant. Rather, Barber is limited to disclosing:

[A] notebook computer has two processors, one being very low-powered for extending battery life, the other being very fast for multimedia presentations and heavy number crunching. A user selects a processor appropriate for the intended use. (Barber Summary Of Invention.)

Therefore, in view of applicant's independent claims including limitations that are not disclosed nor suggested by Barber in view of Miyazawa, applicant's independent claims are patentable over Barber in view of Miyazawa.

In addition, the remaining claims depend from one of the independent claims as discussed above, and therefore include similar limitations, and as a result are also patentable over Barber in view of Miyazawa.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

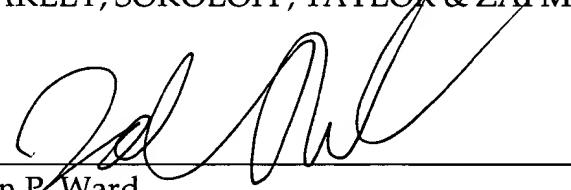
It is respectfully submitted that in view of the amendments and remarks set forth herein, all rejections have been overcome. All pending claims are now in condition for allowance, which is earnestly solicited.

Authorization is hereby given to charge our Deposit Account 02-2666 for any charges that may be due. Furthermore, if an extension is required, then applicants hereby request such an extension.

Respectfully submitted,

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